

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held June 19, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:39 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer, and John Null.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the May 8, 2007 workshop meeting, May 14, 2007 business meeting, May 29, 2007 joint workshop meeting with the Parks and Recreation Board, and June 12, 2007 special business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

No public comment was presented.

Chairman & Board Members' Comments

Mr. Hawk wished to acknowledge the \$10,000 contribution made to the Township by Members 1st Federal Credit Union.

Manager's Report

Mr. Wolfe explained that a good portion of Lower Paxton Township is without power due to the severe thunderstorms traveling through the area. He noted that the National Forecast Center has stated that the surrounding area received up to two inches of rain, and a flash flood watch has been declared.

Mr. Wolfe noted that the Dauphin County Emergency Management Agency (DEMA) in conjunction with Exelon will conduct a full siren test on Thursday, June 28, 2007 at 12:15 p.m. for Three Mile Island, (TMI). He noted that the siren in all counties will sound for a full three minutes. He noted that the Pennsylvania Emergency Management Agency (PEMA) and TMI will release numerous press releases to inform the public of the test. He explained that the test is to be conducted during the local news time to notify residents of the scheduled test.

Mr. Wolfe noted that the meeting agenda is somewhat unusual in that it includes four ordinances and one resolution. He explained that a resolution is a statement of policy by the Board of Supervisors, whereas, an ordinance is legislation. He noted that an ordinance is a law of the municipality, and the Board acts as a legislative body to enact an ordinance. He noted that a resolution is not accompanied by fines or penalties, whereas, an ordinance is enforceable and may be accompanied by fines and penalties as well as criminal or civil prosecution.

Mr. Wolfe noted that all ordinances are posted on the new Township website, and can be found by clicking on the agenda or public notice tab.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Memorandum of Understanding between Lower Paxton Township, Susquehanna Township, and the City of Harrisburg regarding investigations into certain sanitary sewer improvements

Mr. Hawk noted that this Memorandum of Understanding (MOU) allows the three municipalities to come together to evaluate alternatives for eliminating sanitary sewer overflows.

Mr. Wolfe explained that the Township Authority executed the MOU at its June 12, 2007 meeting, and Susquehanna Township Authority has also executed the MOU. He noted that this is policy statement that the Board of Supervisors, in conjunction with its Authority, Susquehanna Township officials and the City of Harrisburg officials will work jointly in the study of certain improvements to the sanitary sewer system that may benefit all three parties. He noted that the MOU is non-binding and does not force any of the three municipalities to select any specific sanitary sewer alternative for improvements to the system.

Mr. Blain made a motion to approve the Memorandum of Understanding between Lower Paxton Township, Susquehanna Township, and the City of Harrisburg regarding investigations into certain sanitary sewer improvements. Mr. Crissman seconded the motion, and a unanimous voice vote followed.

Resolution 2007-27; Adopting the National Incident Management System (NIMS)

Mr. Hawk explained that the National Incident Management System (NIMS) is the system used in a national emergency situation. He noted that the Township has designated personnel that have been trained to carry out the necessary functions in an emergency situation. He noted that all Board members, to include Mr. Wolfe, have been certified in the NIMS program. He noted that in order to accept assistance from the Federal Government, the Township must adopt a resolution stating that the Township supports the NIMS program.

Mr. Crissman made a motion to approve Resolution 2007-27, adopting the National Incident Management System (NIMS) that acknowledges that the Board members and staff have been certified in the program. Mr. Blain seconded the motion, and a unanimous voice vote followed. Mr. Hawk noted that all Board members had to take a test to be certified in this program.

Ordinance 07-03; Rezoning 5817 and 5819 Linglestown Road from R-1 to CN

Ms. Wissler explained that an application has been received from John Null to amend the Township's Zoning Map for a parcel which encompasses an area of approximately 0.363 acres. The parcel is located south of Linglestown Road and east of Ranger Road. The request is to rezone the tract from R-1, Low Density Residential District to CN, Commercial Neighborhood District. She noted that the necessary arrangements have been made to allow the Board of Supervisors to conduct a public hearing and consider the enactment of this ordinance.

Ms. Wissler explained that the Dauphin County Planning Commission reviewed this matter on May 7, 2007 and recommends approval of the request. She noted that the Lower Paxton Township Planning Commission reviewed this matter on May 9, 2007. The Planning Commission recommended approval of the application.

Ms. Wissler explained that on June 4, 2007 and June 11, 2007, a public notice appeared in The Patriot News indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 07-03 on June 19, 2007. On May 18, 2007, the Township mailed notices to property owners surrounding the area of the proposed rezoning. The notice indicated that the Board would consider the application at a public hearing on June 19, 2007. On June 12, 2007, notices were posted on the parcels being considered for rezoning. Ms. Wissler noted that it would be appropriate for Mr. Stine to conduct a public hearing on Ordinance 07-03.

Mr. Stine noted that this was the time and date set for the public hearing on Ordinance 2007-03 to rezone 5817 and 5819 Linglestown Road from R-1, Low Density Residential to Commercial Neighborhood. He questioned if anyone in the audience wished to make comments on the ordinance. He noted that hearing no comments, it was appropriate for the Board to close the Public Hearing, and it could take action if it wished to do so.

Mr. Stine questioned if the applicant was present. Mr. John Null explained that he owns both properties, and when he purchased the two properties they were zoned commercial, but were recently rezoned to R-1 as a result of the new zoning ordinance. He noted that two commercial businesses are located at the properties at this time, and he requested to have the properties rezoned Commercial Neighborhood.

Mr. Stine questioned if the Board members had any questions for the applicant. None were presented. Mr. Stine questioned if anyone in the audience wished to be heard on Ordinance 2007-03. No comments were presented. Mr. Stine noted that since there was no response it was appropriate to close the public hearing, and the Board could take action at this time if it wished to do so.

Mr. Crissman made a motion to approve Ordinance 2007-03, the rezoning of 5817 and 5819 Linglestown Road from R-1, Low Density Residential to CN, Commercial Neighborhood. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ordinance 07-06; Minor amendments to certain 2006 building codes as part of the PA UCC

Mr. Wolfe explained that Uniformed Construction Code (UCC) consists of the following listed building codes: International Building Code, ICC Electrical Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International

Fuel Gas Code, International Mechanical Code, International Performance Code for Buildings and Facilities, International Plumbing Code, International Residential Code, and International Wildland-Urban Interface Code. He explained that, by the Commonwealth designation, beginning December 31, 2007, all municipalities in the Commonwealth of Pennsylvania are required to use the 2006 versions of the above listed building codes. He noted that the Township has four amendments to make to four of the construction codes. He noted that the first amendment to the 2006 International Building Code, found in Section 1612.3, would be to insert “Lower Paxton Township” for the name of the jurisdiction and “October 15, 1980” as the date of issuance. The next amendment is to the 2006 International Building Code, Section 3410.2, to insert “July 1, 2004” as the date of adoption. The third amendment is to the 2006 International Plumbing Code, Section 904.1, is to insert “12” as the number to be used for the vertical pipe clearance from the roof line; and the fourth amendment is to the 2006 International Existing Building Code, Section 1301.2, to insert “July 1, 2004” as the adoption date.

Mr. Wolfe noted that the Township is currently enforcing the 2006 International Codes as required by the Pennsylvania UCC, but these four minor amendments are needed to bring the Township into compliance.

Mr. Stine noted that this was the time and date set for the public hearing on Ordinance 2007- 06 concerning amendments to the 2006 building codes as part of the Pennsylvania Uniform Construction Code. He questioned if anyone in the audience wished to make comments on the ordinance. He noted that hearing no comments, it was appropriate for the Board to close the Public Hearing, and it could take action if it wished to do so.

Mr. Crissman made a motion to approve Ordinance 2007-06, with the four minor amendments to certain 2006 building codes as part of the Pennsylvania Uniform Construction

Code as presented by Mr. Wolfe. Mr. Blain seconded the motion, and a roll call vote followed:
Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ordinance 2007-07; Allocating building permits in the Beaver Creek sanitary sewer basin

Mr. Wolfe noted that this ordinance is one that the Board members act upon on an annual basis. The ordinance allocates building permits in the Beaver Creek Sanitary Sewer Basin in accordance with the procedure that has been in place since 1995. He noted that this procedure was developed in conjunction with the builders doing business in the Beaver Creek Basin. He explained that there have been a limited number of permits issued for that basin for many years, and the permits are allocated based upon the anticipated receipt of permits for the upcoming year. He noted that the time period extends from July 1, 2007 until June 30, 2008, and it is further broken down into two allocation periods, the first being July 1, 2007 through December 31, 2007 issuing 54 permits, and January 1, 2008 through March 31, 2008 with an additional 18 permits to issue. He noted that in April of each year, the developers are to turn back unused permits to the Township and those turned back permits carry the process through until June 30, 2008.

Mr. Wolfe requested the Board members take action on this ordinance to issue sewer permits for 2007 and 2008.

Mr. Seeds noted that there was a typographical error on page two, first paragraph, the fifth sentence; the correct word should state “second” and not “section”.

Mr. Seeds questioned why two permits are kept in reserve for miscellaneous single lots. Mr. Wolfe answered that for developments, the developer has the ability to control the issuance of building permits within a specific development, and for a miscellaneous lot, the permit is

issued directly to the applicant or builder. Mr. Seeds noted that this allows an individual who purchases a lot to obtain a permit without going through the developer.

Mr. Stine noted that this was the time and date set for the public hearing on Ordinance 2007-07, allocating building permits for the Beaver Creek sanitary sewer basin. He questioned if anyone in the audience wished to make comments on the ordinance. He noted that hearing no comments, it was appropriate for the Board to close the Public Hearing, and it could take action if it wished to do so.

Mr. Seeds made a motion to approve Ordinance 2007-07, allocating building permits for the Beaver Creek sanitary sewer basin with the noted correction to the first paragraph on page two changing the word “section” to “second”. Mr. Crissman seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ordinance 2007-10; Amending the authorization to the PA Department of Revenue to collect the Realty Transfer Tax

Mr. Hawk noted that the purpose of this ordinance is to authorize the Pennsylvania Department of Revenue to collect the Realty Transfer Tax. Mr. Hawk noted that correspondence received from Mr. Zugay, Dauphin County Recorder of Deeds, noted that the failure to adopt this amendment could result in loss of tax revenues.

Mr. Wolfe noted that this ordinance sets forth a procedure by which the Pennsylvania Department of Revenue can calculate penalties and interest in accordance with a new State Law. He noted that the Township could set its own penalties and interest, or chose to use the penalties and interest set forth by the Pennsylvania Department of Revenue. Mr. Wolfe noted that the ordinance allows the State to set the penalties and interest on delinquent claims. He noted that this must be done in order to continue to receive revenue under the Real Estate Transfer Tax. He

noted that the Township receives in excess of \$1 million each year. He noted that the Board of Supervisors could establish its own penalties and interest at its own rate if it so desires, but that would entail adopting a different ordinance than what is before the members.

Mr. Seeds questioned how the process is currently completed. Mr. Wolfe answered that the Commonwealth collects the penalties and interest at this time. Mr. Seeds questioned what the interest rate was. Mr. Wolfe answered that he did not know what it is. Mr. Wolfe noted that the State collects the penalties and interest regardless of who sets the rates.

Mr. Seeds noted that the letter from Mr. Zugay, Recorder of Deeds, suggested that this matter be addressed by the Township solicitor before any formal action is taken. He questioned what he meant by that. Mr. Stine explained that all the municipalities that he represents are doing the same thing.

Mr. Stine noted that this was the time and date set for the public hearing on Ordinance 2007-10, amending the authorization to the Pennsylvania Department of Revenue to collect the Realty Transfer Taxes. He questioned if anyone in the audience wished to make comments on the ordinance. He noted that hearing no comments, it was appropriate for the Board to close the Public Hearing, and it could take action if it wished to do so.

Mr. Blain made a motion to approve Ordinance 2007-10, amending the authorization of the Pennsylvania Department of Revenue to collect the Realty Transfer Tax. Mr. Crissman seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there was one improvement guarantee for consideration.

Calvary United Methodist Church

A release in an escrow account with Lower Paxton Township in the amount of \$7,788.00.

Mr. Crissman made a motion to approve the one listed improvement guarantee. Mr. Blain seconded the motion, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Hawk seconded the motion, and a unanimous vote followed.

Announcements

Mr. Wolfe noted that PENNDOT is performing maintenance to its bridges that cross over Interstate 81. He noted that the Lockwillow and Blue Ribbon Avenues bridges were closed to traffic on June 18th, and would remain closed for six weeks. Construction for the Colonial Road and Mountain Road bridges would start in July, and would result in staged construction restricting traffic lanes over the bridges. He explained that the overall project should be completed by mid-July 2008.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary